

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO SALES TAX FINANCING
CORPORATION,

Debtor.

PROMESA

Title III

No. 17 BK 3284-LTS

URGENT MOTION FOR LEAVE TO FILE EXCESS PAGES

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Sales Tax Financing Corporation (“COFINA” or the “Debtor”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight*,

¹ The Debtors in these Title III Cases, along with each Debtor’s respective title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

*Management, and Economic Stability Act (“PROMESA”),² respectfully submits this urgent motion (the “Urgent Motion”), for leave to file the *Puerto Rico Sales Tax Financing Corporation’s Motion for Order (I) Approving Disclosure Statement, (II) Fixing Voting Record Date, (III) Approving Confirmation Hearing Notice, (IV) Approving Solicitation Packages and Distribution Procedures, (V) Approving Forms of Ballots and Election Notices, and Voting and Election Procedures, (VI) Approving Notice of Non-Voting Status, (VII) Fixing Voting and Election Deadlines, and (VIII) Approving Vote Tabulation Procedures* (the “Disclosure Statement Motion”) in excess of the page limit set forth in Paragraph I.E. of the *Sixth Amended Notice, Case Management and Administrative Procedures* [Case No. 17-3283-LTS, ECF No. 3804-1] (the “Case Management Procedures”).*

Jurisdiction and Venue

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to PROMESA § 306(a).
2. Venue is proper pursuant to PROMESA § 307(a).

Relief Requested

3. Paragraph I.E. of the Case Management Procedures provides that “[u]nless prior permission has been granted . . . memoranda of law in support of motions . . . are limited to thirty-five (35) pages” Case Management Procedures ¶ I.E.
4. The Oversight Board seeks to file the Disclosure Statement Motion for an order (i) approving the proposed Disclosure Statement (as defined below), (ii) fixing a Voting Record Date (as defined below) for voting on the Plan of Adjustment (as defined below), (iii) approving the Confirmation Hearing Notice (as defined below), (iv) approving the proposed contents of the

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

Solicitation Package (as defined below) and procedures for distribution thereof, (v) approving the forms of ballots and election notices, and establishing solicitation, voting, distribution election, and balloting procedures, (vi) approving the form and manner of Notice of Non-Voting Status – Class 10 (as defined below) and Notice of Non-Voting Status – Class 6 (as defined below), (vii) fixing the Voting Deadline (as defined below) and Election Deadline (as defined below), and (viii) approving procedures for tabulating creditor votes.³

5. In order to adequately summarize, among other things, the adequacy of the proposed disclosure statement, the voting and elections procedures, the solicitation procedures, and the procedures for tabulating votes, the Oversight Board was unable to meet the thirty-five (35) page limit set forth in the Case Management Procedures. Accordingly, the Oversight Board respectfully requests leave to file the Disclosure Statement Motion with pages not to exceed thirty-seven (37) pages, exclusive of the cover page, the table of contents, the table of authorities, the signature page, and exhibits.

6. The Oversight Board hereby certifies that there is a true need for urgent relief and that such urgency was not created through any lack of due diligence.

7. No prior request for the relief sought in this Urgent Motion has been made to this or any other court.

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³ All capitalized terms not otherwise defined herein have the meanings given to them in the Disclosure Statement Motion.

WHEREFORE the Oversight Board respectfully requests the Court to enter the Proposed Order attached as **Exhibit A**, granting the relief requested herein and all other relief as is just and proper.

Dated: October 19, 2018
San Juan, Puerto Rico

Respectfully submitted,

/s/ Martin J. Bienenstock

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Exhibit A

Proposed Order

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.⁴

PROMESA

Title III

No. 17 BK 3283-LTS

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In re:

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CORPORATION,

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PROMESA

Title III

No. 17 BK 3284-LTS

ORDER ON URGENT MOTION FOR LEAVE TO FILE EXCESS PAGES

Upon the *Urgent Motion for Leave to File Excess Pages* (the “Urgent Motion”);⁵ and the Court having found it has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA; and it appearing that venue in this district is proper pursuant to section 307(a) of PROMESA; and the Court having found that the Commonwealth provided adequate and

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⁵ Capitalized terms not otherwise defined herein shall have the meanings given to them in the Urgent Motion.

appropriate notice of the Urgent Motion under the circumstances and that no other or further notice is required; and upon the record herein, after due deliberation thereon, the Court having found that good and sufficient cause exists for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED THAT:

1. The Urgent Motion is GRANTED as set forth herein.
2. The Oversight Board may file the Disclosure Statement Motion, not to exceed thirty-seven (37) pages, exclusive of the cover page, the table of contents, the table of authorities, the signature page, and exhibits.
3. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: _____, 2018

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT COURT JUDGE